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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,364	10/18/2000	Thomas N Berarducci	81673	3504

1333 7590 11/22/2004

PATENT LEGAL STAFF
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EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/691,364	BERARDUCCI ET AL.
Examiner	Art Unit	
King Y. Poon	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 8-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 July 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. The amended specification and drawings filed on 7/1/2004 has been accepted.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Manolis et al (US 6,583,799).

Regarding claim 1: Manolis teaches a method of selecting images (fig. 8 and fig. 9) from a plurality of images uploaded by a user (title) and previously stored in a local memory location (user's computer's memory that store the image file, column 7, lines 1-15), ordering services to be provided utilizing the images (column 5, lines 40-55), and transferring such images to a remote memory location (server, column 7, lines 30-35) over a channel (the communication channel that allows image file to be uploaded, inherent) where the services are to be provided, comprising the steps of: a) storing a plurality of images (images in the image file, column 7, line 6) in the local memory location (the memory that stores the image file, column 6, lines 58-67, note, an image file, inherently must stored in a memory in order not to lose the file data) along with corresponding thumbnail or lower resolution corresponding images (column 7, lines 1-15); b) displaying at least a subset of the thumbnail images for viewing by a user (336,

fig. 4, fig. 9); c) the user selecting (select all, select photo to upload, fig. 9) those images to be transferred after viewing the displayed thumbnail images, d) providing image identifiers (identifying the image by how each image is to be processed, column 5, lines 40-62, fig. 2B, column 9, lines 20-21, fig. 2C) for each selected image to be uploaded to the remote memory location and a service order (ordering, column 5, lines 40-45) which specifies the services to be provided utilizing such selected images (column 5, lines 40-62, fig. 2B); e) the remote memory location confirming the receipt of the service order (column 8, lines 15-30); and f) transferring such images over the channel to the remote memory location at a suitable time selected by the user (user start the upload, column 8, lines 37, inherently the upload must occur some where in time; the time the user starts the upload is the suitable time selected by the user) uploading for effective data transfer whereby the ordered services can be subsequently provided.

Regarding claim 2: Manolis teaches wherein the services to be provided are making an album containing the selected images (column 5, lines 45-47).

Regarding claim 3: Manolis teaches wherein the services ordered are selected from prints having plurality of print sizes (fig. 2B) or picture frames for mounting the selected prints.

Regarding claim 4: Manolis teaches the steps of a user providing a payment identifier (fig. 2) specifying an account (the user's unique information, column 2, lines 25-36) to be charged (billing, column 2, line 31) for servicing the order.

Regarding claim 8: Manolis teaches a method of selecting images (fig. 8 and fig. 9) from a plurality of images uploaded by a user (title) and previously stored in a local

memory location (user's computer's memory that store the image file, column 7, lines 1-15), ordering services to be provided utilizing the images (column 5, lines 40-55), and transferring such images to a remote memory location (server, column 7, lines 30-35) over a channel (the communication channel that allows image file to be uploaded, inherent) where the services are to be provided, comprising the steps of: a) establishing a service account (the users account, column 2, lines 25-31) with the service provider (column 2, lines 22-24, the photo-finishing provider) and furnishing a user with an identifier (contact information, column 2, lines 25-30; inherently, all names, address are furnished to a person) for such service account to permit a user to have access to ordered services; b) storing a plurality of images (images in the image file, column 7, line 6) in the local memory location (the memory that stores the image file, column 6, lines 58-67, note, an image file, inherently must be stored in a memory in order not to lose the file data); c) displaying at least a subset of the images for viewing by a user (fig. 9); d) the user selecting (select all, select photo to upload, fig. 9) those images to be transferred after viewing the displayed images; e) providing a service account identifier (the account/user information that identify the user and the images printed for billing, column 2, lines 25-31) and image identifiers (column 9, lines 19-23, fig. 2C) for each selected image to be uploaded to the remote memory location and a service order (ordering, column 5, lines 40-45) which specifies the services to be provided utilizing such selected images (column 5, lines 40-62, fig. 2B); f) the remote memory location confirming the receipt of the service order (column 8, lines 15-30); and g) transferring such images over the channel to the remote memory location at a suitable time selected

by the user (user start the upload, column 8, lines 37, inherently the upload must occur some where in time; the time the user starts the upload is the suitable time selected by the user) uploading for effective data transfer whereby the ordered services can be subsequently provided.

Regarding claim 9: Manolis teaches including completing the ordered services (column 5, lines 40-50) and sending images for which ordered services have been provided to a third party (column 8, lines 28-31).

Regarding claim 10: Manolis teaches wherein the images for which services have been ordered are sent electronically (uploaded, column 7, lines 34-35).

Regarding claim 11: Manolis teaches wherein the images for which services have been ordered include hard copy prints which are sent by the U.S. postal service (column 9, lines 44-50) or a private carrier.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 8-11 have been considered but are moot in view of the new ground(s) of rejection. Please detailed office action.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892.



11/19/04

KING Y. POON
PRIMARY EXAMINER